

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

In re: Bartley Allington

Case No. 24-10223-JEB

Debtor(s)

Chapter 13

DEBTOR'S OPPOSITION TO TRUSTEE'S OBJECTION TO CONFIRMATION

Debtor opposes the Chapter 13 Trustee's Objection to Confirmation of debtor's Chapter 13 Plan. In support thereof, debtor states:

1. Admit.
2. Admit. Denied.
3. Denied. Debtor's monthly income from employment is derived in two parts: (1) base pay and (2) overtime. Debtor's overtime comprises 42% of debtor's monthly compensation which can fluctuate from month to month. Thus, debtor's "Monthly Disposable Income" on Line 45 of Form 122C-2 is not an accurate statement of debtor's future income, and a more accurate calculation of debtor's "Projected Disposable Income" is debtor's net monthly income of \$1,351.22 on Schedule J. See Hamilton v. Lanning, 130 S. Ct. 2464 (2010) (when a bankruptcy court calculates a debtor's projected disposable income, the court may account for changes in the debtor's income or expenses that are known or virtually certain at the time of confirmation); see also, In re Gnaman, No. 19-40930-CJP (Bankr. D. Mass. Mar. 31, 2022).

WHEREFORE, Debtor requests this Court to overrule the Chapter 13 Trustee's Objection to Confirmation of Debtor's Chapter 13 Plan.

Respectfully submitted,

Bartley Allington,

By her attorney,

/s/ Steven Striffler

Steven R. Striffler

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Date: June 12, 2024.

CERTIFICATE OF SERVICE

I, Steven Striffler, hereby certify that on 6/12/2024, the following interested parties were served a copy of the foregoing document via first class mail or electronically through the court's CM/ECF System at:

Carolyn A. Bankowski, Chapter 13 Trustee, 13trustee@ch13boston.com

Richard King – B, USTPRegion01.BO.ECF@USDOJ.GOV

/s/ Steven R. Striffler